

## **Government Oversight Committee Responses to Questions from Meeting on February 13, 2015**

### **Complaint Investigations:**

#### **1. How is an investigation triggered?**

Reports of suspected child abuse and/or neglect and reports of child care rule violations that are made to the Department of Health and Human Services are processed through the Office of Child and Family Services, (Child Protective Intake Unit) or through the Division of Licensing and Regulatory Services (Complaint Intake). Reports are documented in the Maine Automated Child Welfare Information System (MACWIS) and forwarded to the DLRS Children's Licensing and Investigation Manager for review and staff assignment. Assignments are generally made within 3 business days, unless a more timely response is required to ensure child safety. A decision may be delayed when there is a need for additional information to better understand the circumstances reported. Reports with allegations of sexual abuse, physical abuse, emotional maltreatment and neglect are critically reviewed and assigned to the Out of Home Investigation Team (OOH) for investigation. Factors such as the history and credibility of the referent and/or provider are taken into consideration when an assignment is made. Reports that do not allege child abuse and/or neglect, or that do not meet the criteria for assignment to the Out of Home Investigation Team are assigned to a Child Care Licensing Specialist for complaint investigation. Licensing follows a similar process, but does not conduct child interviews. Generally the depth and breadth of a licensing complaint investigation is more narrowly focused and is focused on provider compliance with Child Care Rules.

#### **2. How soon after an investigation is triggered, does DLRS perform the investigation?**

Once a report has been assigned to an Out of Home Investigator, this individual is expected to make first contact within three business days. Typically, the first contact is with the referent to gather additional information, clarify information, and to help inform the next steps. Child Care Licensing Specialists conducting a complaint investigation are expected to make first contact within five business days. The program expectation is that investigations are completed within 35 days. Completion may be delayed when there is interagency involvement or factors outside of the Department's control. For example, when joint investigations occur with Public Safety / Maine State Police, or DLRS is waiting for results of a medical examination.

### **3. When does DLRS notify parents of children in a child care that is being investigated?**

Parental Notification is made when a Child Care is investigated by the Out of Home Investigation Team. As part of the initial contact with the child care provider, the OOH Investigator obtains a current list of all children enrolled, parent names, and parent contact information. The expectation is that letters are mailed within 24 hours. There is a standard form letter in use that encourages the parent's involvement and provides phone and email contact information for parents whom may want to reach out and directly contact the investigator. If a more timely notification is required, parents are contacted by phone and the formal written notification follows. The same parents are notified at the conclusion of the investigation. There are three standard notification letters utilized: unsubstantiated complaint, licensing rule violations identified and findings of abuse/neglect. The findings of abuse/neglect letters are strictly sent to the parents of the children named as victims in the final investigation summary.

### **4. What criteria does DLRS use to trigger parental notification?**

Parental notification is made when a report of child abuse and/or neglect is assigned to the Out of Home Investigation Team. In large child care facilities (some licensed for 200 children) notification is made to the parents of the allegedly impacted children. For example, if the allegations are specific to one staff who only works in the infant room, the notification is sent to the parents of all of the children in that room. When allegations cross the entire program or are more systemic in nature all of the parents are notified.

Parental notification is not a required standard practice for Child Care Licensing when there is a complaint assigned regarding rule violations. However, Licensing does often contact the parent/guardian if there are concerns specific to one child. For example, an allegation that a child care provider is leaving a child in a soiled diaper for extended periods of time.

## **Child Care Website:**

### **1. How quickly is information put up on the website?**

Demographic information is a direct link to the Maine Automated Child Welfare Information System (MACWIS) and is updated in real time.

Statements of Deficiencies (SOD) are uploaded to the web portal after the Department receives confirmation that the provider is in receipt of the document (after the signed certified card is returned to DLRS).

After the Child Care Licensing Specialist approves the provider's Plan of Correction (POC) a letter is sent to the provider advising that the plan has been accepted. At that time, both the letter of approval and the provider's Plan of Correction are uploaded to the web portal. When the Child Care Licensing Specialist determines that the deficiencies have been resolved there is a letter sent to the provider notifying that they are no longer required to prominently display the SOD in the facility and the letter of completion is uploaded to the web portal so that the public is informed of the resolution.

Licensing Actions, such as a Conditional License, is not uploaded to the website until formally issued. If a provider appeals the action and is pending an Administrative Hearing, there is a

statement/notice uploaded for public view that advises the public that licensing action has been sought and is in appealed status.

**2. What information is posted on the website regarding complaints and when does DLRS post that information?**

When a report is assigned to both Out of Home Investigation and Child Care Licensing the status of the provider in MACWIS automatically changes to Under Investigation and remains as such until the completion of the investigation. The information is not visible to the public until 7 days after the final decision/assignment is made. This feature was built into the web portal system to factor in response time (3 or 5 days), to ensure that the provider is informed of the investigation prior to the general public, and to ensure that the investigation is not compromised.

Out of Home Investigation Reports are not public record and are not posted on the web portal. However, licensing violations identified will parallel the findings of abuse and/or neglect and are captured in a Statement of Deficiencies and posted for public view.

**3. Does DLRS update the website when a complaint is filed or after a complaint is investigated?**

Please see response to question #2 above.

**4. What is the lag time between the time a complaint comes in and when it is posted to the website?**

The actual complaint/report is not posted to the web-site. As explained in question #2, the provider's status as "Under Investigation" is viewable by the public.

**5. How current is information on the website?**

Child Care Choices is updated monthly. The information in the licensing details tab (DLRS area of the portal) is updated in "real time". This includes all demographic information, status of license, and date of license issuance. The timeliness of information uploaded to the web portal is explained in question #1.